IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO :32897 of 1997

DATED:12.9.2007.

Between:
Ch.Ashokbabu

.... PETITIONER

AND
A.P. State Electricity Board, rep by its Member Secretary
Vidhyut Soudha, Hyderabad & others

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO :32897 of 1997

ORDER:

This writ petition is filed by the petitioner seeking to direct the respondents to appoint the petitioner as clerk/Typist in view of the academic qualifications possessed by him in pursuance of the selection

held on 26.8.1997 and abiding by the scheme contained in memo No:1138, dated 26.8.1985 with effect from 23.10.1997, the date on which the petitioner was appointed to the post of Junior Plant Attendant (helper) and allow all consequential benefits and grant such other relief.

Heard the learned counsel and perused the entire material available on record.

Before going into the merits of the case, it is pertinent to note that there is no dispute that the petitioner had worked as casual labour for a total number of 100 days under the control of the 2nd respondent and prior to the present writ petition, he filed W.P.13313 of 1997 before this Court seeking a direction to the respondents to consider his case for regular appointment as per memo No:1138, dated 26.8.1985 and the said writ petition was disposed of on 27.6.1997 directing the respondents to consider the case of the petitioner and appoint him in the post of helper/watchman and in pursuance of the same, the petitioner was appointed as helper.

At this stage, it is the claim of the petitioner that he possessed Degree qualification besides the English type writing (higher grade) qualification and therefore, he is entitled to the post of clerk/typist. But, the authorities have not considered his case in accordance with the memo as well as his qualifications.

Irrespective of the fact as to whether the petitioner possessed the degree qualification besides the typewriting, it is to be noted that while the petitioner was working as casual labour and in pursuance of the directions issued by this Court in earlier writ petition to the respondents to consider the case of the petitioner and appoint him in the post of helper/watchman, he was appointed. Even assuming that the order of this Court in the earlier writ petition has not been complied with in a proper perspective under the same spirit, the alternative remedy that would immediately be

available to the petitioner is to proceed against the respondents under contemptuous proceedings, but not by resorting to file this writ petition. Apart from that, even assuming that the petitioner is eligible to a superior post due to acquisition of higher qualifications, the consideration of the same is within the domain of the authorities, in which the Court will generally not interfere unless the action of the respondents is biased or confined with any malafides.

In this view of the matter, I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

12th September, 2007

Gurc.

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

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12th September, 2007.